

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM C. SHAW,

Plaintiff,

v.

LINCOLN HATHAWAY, ED
HAY, ROBERT COSSEY, SCOTT
MASON,

Defendants.

NO. CV-09-026-RHW

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration (Ct. Rec. 80).
The motion was heard without oral argument.

"[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). It is considered an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Id.* A motion under Rule 59(e) "may *not* be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation." *Id.* (emphasis in original).

Plaintiff has not presented the Court with newly discovered evidence, has not shown that the Court committed clear error, and has not demonstrated that

1 there is an intervening change in the controlling law. As such, Plaintiff's Motion
2 for Reconsideration is denied.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Plaintiff's Motion for Reconsideration (Ct. Rec. 80) is **DENIED**.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
6 Order, forward a copy to Plaintiff and counsel, and **close the file**.

7 **DATED** this 22nd day of December, 2009.

8
9 *s/Robert H. Whaley*
10 ROBERT H. WHALEY
United States District Judge

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